

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14501-14550

[Approved by the Secretary of Agriculture, Washington, D. C., January 13, 1927]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

14501. Misbranding of Bronchini. U. S. v. 24 Bottles, et al., of Bronchini. Default decrees of condemnation, forfeiture and destruction. (F. & D. Nos. 19861, 19902. S. Nos. E-3945, E-3948.)

On March 9 and 20, 1925, respectively, the United States attorney for the Northern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 197 bottles of Bronchini, at Wheeling, W. Va., alleging that the article had been shipped by William M. Chappelear & Sons Co., from Zanesville, Ohio, in various consignments, April 18 and October 29, 1924, and February 20, 1925, respectively, and transported from the State of Ohio into the State of West Virginia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle) "Chappelear's Bronchini * * * Relieves Bronchitis * * * When cough is very distressing, repeat the dose * * * Croup * * * For severe attacks of Asthma," (wrapper) "Bronchini * * * For The Relief Of Bronchitis * * * Sore Throat, Asthma, Influenza, Croup, Throat and Lung Troubles."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of ammonium chloride, extracts of plant drugs, flavoring material including anise and sassafras oils, sugar, alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the labels on the bottles containing the article declared that it contained 40 per cent by volume of alcohol, which declaration was false and misleading, in that the said article contained much less than 40 per cent by volume of alcohol.

Misbranding was alleged for the further reason that the labeling contained the following statements, regarding the curative and therapeutic effects of the article: (Circular) "Bronchini The Great Cough Remedy By its peculiar influence over disease of the throat and respiratory organs, it has given relief when quick results were essential. Bronchini will stop cough instantly. A cold induces cough at night. One or two doses of Bronchini given on retiring will bring perfect rest during the night. One dose on arising will clear up the throat and relieve the cough during the day. Bronchitis follows colds. If you can arrest the disease before it reaches the lungs you have accomplished much, as it will surely enter the lungs if neglected. Bronchini is the only cough cure we have ever known that will most certainly produce the desired effect in the treatment of Bronchial cough. Croup can be prevented, and night croup in all cases can be cured by its use. Bronchini should be given on first appearance

of hoarseness, and on retiring, giving such doses as are prescribed in cases of croup * * *. Diphtheria prevails in every locality, Pneumonia, Influenza and other throat and lung diseases are common in most countries. All these can be prevented and cured by the regular use of Bronchini, thus saving many children and people of all ages and conditions. The weather is changeable, people contract colds, vitality is lowered, subjecting them to the danger of contracting Consumption. Cure the cold, stop the cough, and you are on the road to health and happiness. Bronchini will do it. * * * Sold * * * on a guarantee to prove satisfactory or money refunded. * * * Bronchini, the great cough cure * * * prevents croup and will cure it. * * * After taking Bronchini, breathing is easy, * * * always stops a cough as soon as taken," which statements were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the effects represented by said statements.

On October 20, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14502. Adulteration of evaporated apples. U. S. v. 23 Boxes of Evaporated Apples. Default decree of forfeiture and destruction entered.
(F. & D. No. 19094. I. S. No. 22652-v. S. No. C-4508.)

On October 27, 1924, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 boxes of evaporated apples, remaining in the original unbroken packages at Jackson, Miss., alleging that the article had been shipped by A. C. Hamilton & Co., Fayetteville, Ark., on or about September 15, 1924, and transported from the State of Arkansas into the State of Mississippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples Mount Sequoyah Brand Packed By A. C. Hamilton & Co., Fayetteville, Ark."

It was alleged in substance in the libel that the article was adulterated in violation of section 7 of the act, paragraphs 1 and 2, in that it contained an excess of moisture, which said moisture had been mixed and packed with the article so as to injuriously affect its quality.

On May 10, 1926, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14503. Misbranding of cottonseed meal. U. S. v. 390 Sacks of Cottonseed Meal. Decree finding product misbranded and ordering its release under bond. (F. & D. No. 20854. I. S. No. 371-x. S. No. W-1883.)

On or about February 24, 1926, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 390 sacks of cottonseed meal, remaining in the original unbroken packages at Denver, Colo., consigned by Spears & Co., El Paso, Tex., alleging that the article had been shipped from El Paso, Tex., on or about January 28, 1926, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cotton Seed Meal * * * Manufactured By Spears & Company El Paso, Texas Guaranteed Analysis: Crude Protein Not Less Than 43.00 per cent."

Misbranding of the article was alleged in the libel for the reason that the statements, "43% Protein" and "Crude Protein Not Less Than 43.00 per cent," borne on the label, were false and misleading and deceived and misled the purchaser, since the said article did not contain 43 per cent of protein.

On March 23, 1926, Spears & Co., El Paso, Tex., having appeared as claimant for the property, a decree was entered, adjudging the product mislabeled in violation of the law, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled according to its true and correct contents.

W. M. JARDINE, *Secretary of Agriculture.*